

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

*THIS DOCUMENT RELATES TO:*

*ALL CASES*

MDL 2804

CASE NO. 1:17-MD-2804

HON. DAN AARON POLSTER

**PLAINTIFFS' SECOND STATUS REPORT REGARDING DISMISSALS**

Plaintiffs provide this report in response to the Court's directive that plaintiffs consider dismissing pharmacy defendants who have no "market share" in the jurisdiction where the defendants were named. Plaintiffs continue to assess the facts in their cases. And for those Plaintiffs who have filed cases in jurisdictions where the defendants' dispensing data has not produced, that assessment continues to be difficult if not problematic.

Nonetheless, the PEC, through liaison counsel, have continued to reach out to plaintiffs' counsel in the cases listed by the defendants. The following is an update:

**CVS:** The PEC received responses noting that 45 cases (increased from the 34 cases from the previous status report) will be or have been dismissed and 1 additional case will be dismissed subject to client approval. One case did not have Defendant CVS named in the complaint. 69 cases (increased from 55 cases from the previous report) are being further investigated while 138 (increased from 134) plaintiffs intend to pursue their claims against CVS. There are 15 cases where CVS was not renamed in the short form complaint.

**Rite Aid:** The PEC received responses noting that 146 cases (increased from 141 in the previous status report) will be or have been dismissed against all Rite Aid/Harco/Eckerd

defendants noted in their complaints and an additional 61 will be dismissed subject to client approval. One case will dismiss Harco and Eckerd but not the Rite Aid defendants; 3 cases will dismiss Harco but not Rite Aid defendants, and 8 cases will dismiss the Rite Aid defendants but not Harco. There are two duplicate cases on the list. 45 cases (increased from 37) are being further investigated while 91 plaintiffs (increased from 70) intend to pursue their claims against Rite Aid. There are 7 cases where Rite Aid was not renamed in the short form complaint and 15 state court cases.

**Walgreens:** The PEC received responses that 79 cases (increased from 73) will be or have been dismissed. 34 cases (increased from 18) are being further investigated while 214 plaintiffs (increased from 168) intend to pursue their claims against Walgreens. There are 15 cases where Walgreens was not renamed in the short form complaint.

**Walmart:** The PEC received responses that 131 cases will be or have been dismissed. 15 cases are being further investigated while 157 (increased from 136) plaintiffs intend to pursue their claims against Walmart. There are 12 cases where Walmart was not renamed in the short form complaint.

Respectfully submitted,

/s/Peter H. Weinberger

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 6, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger